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09/975,507	10/12/2001	Ken C. K. Cheung	OCEANIT	9787

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James C. Wray
Suite 300
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EXAMINER

DINH, TIEN QUANG

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3644

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

1 UNITED STATES PATENT AND TRADEMARK OFFICE

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4 BEFORE THE BOARD OF PATENT APPEALS
5 AND INTERFERENCES
6

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8 *Ex parte* KEN C. K. CHEUNG and CHRISTOPHER J. SULLIVAN
9

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11 Appeal 2006-2304
12 Application 09/975,507
13 Technology Center 3600
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16 Decided: January 28, 2009
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19 Before TERRY J. OWENS, MURRIEL E. CRAWFORD and
20 ANTON W. FETTING, *Administrative Patent Judges*¹
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22 CRAWFORD, *Administrative Patent Judge*.
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24
25

26 DECISION ON REQUEST FOR REHEARING

¹ Administrative Patent Judge Anton W. Fetting has been added to the panel due to the retirement of former Administrative Patent Judge Stuart S. Levy.

INTRODUCTION

Appellants filed a Request for Reconsideration contending that the Board did not fully consider the present invention in its Decision on Appeal (mailed July 25, 2007) and asking that we reconsider and reverse the Examiner's rejection of claims 31, 32 to 35, and 37 to 46 (p. 1).²

In the Decision on Appeal a panel of the Board reversed the Examiner's 35 U.S.C. §§ 102 and 103 rejection of claims 1, 2 to 7, 15, 17 to 24 to 30 and sustained the Examiner's rejection of claims 31, 36 and 47 under 35 U.S.C. § 102(b) and the Examiner's rejection of claims 32 to 35, 37, 40, 41 to 46 under 35 U.S.C. § 103(a).

OPINION

Appellants argue that we did not consider that in the present invention as recited in claim 31, that in the skin element, the pressure transducer and flow modifier are the same one element.

We did consider Appellants' argument that Lurz did not disclose that the pressure transducer and the flow modifier are the same one element. On page 4 of the original opinion, we found that the skin element is formed by elements 1, 2, 3 and 4 and that the elements together form a pressure transducer (1,3,4) and a flow modifier (2). Again on page 5 of the original opinion we stated that "Lurz's elements 1-4 together form a skin element with elements 1, 3 and 4 being the transducers and element 2 being the flow modifier." Hence we are not convinced by Appellant's argument that Lurz

² The Appellants do not request reconsideration of our action in regard to the rejection of claim 36. Claims 38 and 39 are not a subject of the appeal because claim 38 has been withdrawn from consideration (Brief 1).

1 does not disclose a skin element forming a pressure transducer and a flow
2 modifier or that we did not consider this argument of Appellant.

3 We are likewise not convinced of error in our finding that Lurz
4 discloses a skin element forming a pressure transducer and a flow modifier
5 by Appellants' argument that we did not consider that Lurz's arrowhead
6 lines connect the transducers 1, 3 and 4 as inputs to the control circuit 7 and
7 the other arrowheads connect the analyzer control circuits 7 to the outputs of
8 the vibration transmitters 2, because as we stated above the skin element is
9 formed by elements 1 to 4.

10 Although Lurz discloses that elements 1, 3 and 4 are sensors and
11 element 2 is a vibration transmitter, the language of claim 31 is broad
12 enough to cover a skin element that is formed by the elements 1 to 4, and as
13 such, we are not convinced of error in our original opinion by the disclosure
14 of Lurz at col. 3, line 48 to col. 4, line 19.

15 CONCLUSION

16 On the record before us, Appellants have not shown error in our
17 original opinion, therefore, we decline to make any changes therein.

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19 DENIED

20 vsh

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